

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53948 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- MADHUBAN District- East Champaran

RAUSHAN KUMAR S/O KISHUNDEO PRASAD R/O VILLAGE-
SAWANGIYA, PS. MADHUBAN, DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Madhuban P.S. Case No. 140 of 2023 dated 28.03.2023
registered for the offence under Sections 366(A), 376, 506,
34 of the Indian Penal Code.

The petitioner is alleged to have kidnapped and
committed rape of minor daughter of the informant in the
maize field on the point of pistol.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the allegation, as alleged in the F.I.R., is



false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 25.06.2023 whereas the instant F.I.R. has been lodged on 28.03.2023 after delay of three days without any explanation. He further submits that the victim has been examined but the doctor has not found any internal and external injury on the person of the victim. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 6.04.2023.

Learned A.P.P. for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her on the point of pistol and other accused persons have made obscene video of her. He further submits that as per the school certificate, the date of birth of the victim is 20.04.2007 which suggest that the victim was minor at the time of occurrence.



Considering the facts and circumstances of the case and the rival submission of the parties and gravity of offence and also the age of the victim, who is minor, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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